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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,807	12/29/2000	Min Zhu	M-8855 US	5221

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03/24/2004

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EXAMINER

COULTER, KENNETH R

ART UNIT	PAPER NUMBER
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2141

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DATE MAILED: 03/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/751,807

Applicant(s)

ZHU ET AL.

Examiner

Kenneth R Coulter

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5.8.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1 – 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Salesky et al. (U.S. Patent No. 6,343,313) (Computer Conferencing System with Real-Time Multipoint, Multispeed, Multi-Stream Scalability)

2.1 Regarding claim 1, Salesky discloses a computer system for fault-tolerant distributed collaborative computing, the system comprising:

a plurality of server computers connected to a plurality of client computers via a global-area computer network (Fig. 1; col. 9, lines 1 - 5);

Art Unit: 2141

a high speed direct connection link connecting the plurality of server computers (col. 20, lines 38 – 39; col. 9, lines 1 - 12); and

a computer program executable by the server computers, wherein the computer program comprises computer instructions for:

conducting an online conference among an arbitrary number of client computers connected to an arbitrary number of the server computers via the global area network and the high speed direct connection link (Fig. 1; Fig. 9C; col. 26, line 63 – col. 27, line 24);

detecting a failure of one of the server computers handling the online conference (col. 26, line 63 – col. 27, line 24);

connecting another of the server computer to the conference (col. 26, line 63 – col. 27, line 24); and

resuming the online conference (col. 26, line 63 – col. 27, line 24).

2.2 Per claim 2, Salesky teaches that the computer program further comprises computer instructions for:

periodically replicating (mirroring) state information among processes executed by the server computers to conduct the online conference (col. 27, lines 19 - 24);

detecting a failure of one of the process (col. 26, line 63 – col. 27, line 24);

spawning a new process on the server computers (col. 26, line 63 – col. 27, line 24); and

loading the replicated state information on the new process (col. 27, lines 19 - 24).

2.3 Regarding claim 3, Salesky discloses that the processes whose state is replicated maintain information about the online conference (col. 26, line 63 – col. 27, line 24).

2.4 Per claim 4, Salesky teaches that the processes whose state is replicated handle communications between one of the client computers and one of the server computers (col. 26, line 63 – col. 27, line 24).

2.5 Regarding claim 5, Salesky discloses that the processes whose state is replicated control access to a document shared among participants of the online conference (col. 26, line 63 – col. 27, line 24; col. 22, line 67 – col. 23, line 20).

2.6 Per claim 6, Salesky teaches that the processes whose state is replicated control execution of an application shared among participants of the online conference (col. 26, line 63 – col. 27, line 24).

2.7 Regarding claims 7 – 18, the rejection of claims 1 – 6 under 35 USC 102(e) (paragraphs 2.1 – 2.6 above) applies fully.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth R Coulter whose telephone number is 703 305-8447. The examiner can normally be reached on 5 4 9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 703 305-4003. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KENNETH R. COULTER  
PRIMARY EXAMINER  


krc